IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WA.No. 1697 of 2005(E)

AGAINST THE JUDGEMENT/ORDER IN OP.1267/2002 Dated 08/06/2005
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APPELLANT: RESPONDENTS 1 TO 4.
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1. CENTRAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
BHAVISHYANIDHI BHAVAN, 14 BHIKAJI GAMA PALACE,
NEW DELHI - 110 066.

2. THE REGIONAL PROVIDENT FUND COMMISSIONER
BHAVISHYANIDHI BHAVAN, PATTAM, THIRUVANANTHAPURAM.

3. CONTROLLER OF PENSION,
EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
PATTAM, THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.N.GIRIJA

RESPONDENTS: PETITIONERS.
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1. EMPLOYEES PROVIDENT FUND PENSIONERS
ASSOCIATION REPRESENTED BY K.VIKRAMAN NAIR,
T.C.NO.42/919, PRATHIBHA, SREEVARAHAM,
THIRUVANANTHAPURAM - 695 008.

2. SREEKANTAN NAIR C.K., KR/1112/5,
REVATHIS, T.C.41/1114, RURYATHI,
MANAKKAD P.O., THIRUVANANTHAPURAM - 695 009.

3. N.ASOKAN, KR/1572/2, SITHARA,
PATHIYAKAV, KILIMANOOR P.O., THIRUVANANTHAPURAM.

4. A.SIVARAJAN, KR/1711/332,
KUTTANINNATHIL VEEDU, ARUMANOOR, POOVAR P.O.,
THIRUVANANTHAPURAM.

5. BARNAD MASCREEN, KR/565/362,
T.C.11/23, PMG DOWN ROAD, PATTOM P.O.,
THIRUVANANTHAPURAM.

6. UNION OF INDIA,
MINISTRY OF LABOUR.

ADDL.7. P. MATHUKUTTY, SON OF YHANNAN, SANTHU VILLA,
KODUMON P.O., PATHANAMTHITTA DIST.

ADDL.8. KUNJUKUNJU DIVAKARAN, VIJAYA BHAVANAM,
ANGADIKKAL SOUTH P.O., KODUMON VIA.
PATHANAMTHITTA DIST.

ADDL.9. P.M. KUNJUCHERUKKAN, AMBADIYIL HOUSE,
EDATHITTA, KODUMON, P.O., PATHANAMTHITTA DIST.

ADDL. R7 TO R9 ARE IMPLEADED AS PER ORDER DATED 17.11.2006 ON IA 1103/06

R1 RO R5 BY ADV. DR.K.P.KYLASANATHA PILLAY
SMT.SREEDEVI KYLASANATH
SRI.JESSEL VINKOHAR RODRICKS
R6 BY ADV. SMT.S.AMBIKA DEVI, ADDL.CGSC
R7 TO R9 BY ADVS. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.T.K.SAIDALIKUTTY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 12/12/2006, ALONG WITH WPC NO. 3488 OF 2006
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V. K. BALI, C.J. &
C.N.RAMACHANDRAN NAIR, J.

W.A. NO. 1697 OF 2005 &
W.A. NO. 3488 OF 2006

Dated this the 12th day of December, 2006

JUDGMENT

V.K. BALI, C.J. (ORAL)

It is not disputed during the course of arguments that the matter is covered against the appellants in W.A.No.1697 of 2005 and respondents 2 to 4 in W.A.No. 3488 of 2006 by Division Bench judgment in W.A.No. 782 of 2004 dated 19.5.2004, against which SLP was also dismissed by the Supreme Court. For parity of reasons given in the judgment in W.A.No. 782 of 2004, W.A.No. 1697 of 2005 is dismissed and W.A.No. 3488 of 2006 is allowed.

(V. K. BALI)
Chief Justice

(C.N.RAMACHANDRAN NAIR)
Judge

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